

HOUSE BILL NO. 48

INTRODUCED BY DICKENSON, BERGREN, CLARK, DRISCOLL, LINDEEN, SMALL-EASTMAN,
MCALPIN

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE EXCLUSION FROM THE SOLID WASTE
MANAGEMENT FACILITY LICENSING REQUIREMENTS FOR ELECTRICAL GENERATING FACILITIES; ~~AND~~
AMENDING SECTION 75-10-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-10-214, MCA, is amended to read:

"75-10-214. Exclusions -- exceptions to exclusions. (1) (a) This part may not be construed to prohibit
a person from disposing of ~~his own~~ that person's solid waste that is generated in reasonable association with
~~his~~ that person's household or agricultural operations upon land owned or leased by that person or covered by
easement or permit as long as the disposal does not create a nuisance or public health hazard or violate the
laws governing the disposal of hazardous or deleterious substances.

(b) This part does not apply to:

(i) the operation of an electric generating facility, to the drilling, production, or refining of natural gas or
petroleum; or to;

(ii) the operation of a mine, mill, smelter, or electrolytic reduction facility;

(iii) AN ASSOCIATED FACILITY FOR HANDLING ASH THAT IS COVERED UNDER A CERTIFICATE ISSUED UNDER TITLE
75, CHAPTER 20, AT AN ELECTRICAL GENERATION FACILITY. THIS EXCLUSION DOES NOT APPLY TO A LATERAL EXPANSION
OF AN ASSOCIATED FACILITY FOR HANDLING ASH IF THE LATERAL EXPANSION IS NOT COVERED UNDER A CERTIFICATE
ISSUED UNDER TITLE 75, CHAPTER 20.

(iv) AN ASH DISPOSAL FACILITY OR STRUCTURE AT AN ELECTRICAL GENERATING PLANT OR FACILITY IF THE
DISPOSAL FACILITY OR STRUCTURE WAS SUBJECT TO A GROUND WATER DISCHARGE PERMIT ISSUED UNDER TITLE 75,
CHAPTER 5, ON [THE EFFECTIVE DATE OF THIS ACT].

(2) The exclusions contained in subsection (1) of this section do not apply to a division of land of 5 acres
or less made after July 1, 1977, that falls within the definition of subdivision in Title 76, chapter 4, part 1, or the
Montana Subdivision and Platting Act in Title 76, chapter 3."

